

REMARKS

Claims 1-19 are currently pending in the patent application. The Examiner has rejected all of the claims under 35 USC 103 as unpatentable over the teachings of the Bark patent in view of Stillman. For the reasons set forth below, Applicants respectfully assert that the invention as claimed in the amended claims is patentable over the cited art.

The present invention is directed to an apparatus, program storage device, and method for a node to monitor for changes in a communication session in which that node is participating. The changes in the communication session which are detected are the result of a new node or group of nodes entering into the communication session causing interference with, or a deterioration of the signal strength in, the signals of the existing session. Once changes have been detected and evaluated, the node then generates a signal to alter its own behavior as a result. Accordingly, the present application claims an apparatus, program storage device, and method for at least one node which is participating in the communication session to monitor signal strength (Claims 1-4, 9-13, 15-17 and 19) or signal interference (Claims 5-8, 14, and 18) as an indication of the appearance of a new radio station in that communication session. Based on the results of the monitoring and a comparison to a predetermined reference, the node then either initiates a

JP919990207-US1 8

that the response to detected interference is to change communication frequencies or move a communicating station away from the source of the interference.

Applicants respectfully assert that the Bark patent does not teach or suggest the invention as claimed. The Bark system requires both at least one remote mobile station for measuring radio parameters and a controller location for orchestrating the actions and responses to the measurements. In contrast, the present invention provides apparatus in a communicating node for performing all of the tasks of monitoring, evaluating the results of the monitoring, generating a signal based on the evaluating of the results, and responding to the generated signal. All of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself. Applicants have amended the language of the independent claims to highlight the foregoing. Applicants note that, under the present invention, more than one node in a system may be equipped with the claimed apparatus; however, each node that has the apparatus stands alone in its monitoring and its responses to the monitoring. Applicants respectfully assert that the Bark patent teachings of a system including mobile stations for obtaining measurements and a controller station for gathering the measurements and for generating responses to the measurements do not teach or suggest the invention as claimed. Further, where Bark acts to avoid a detected source of interference, the present

JP919990207-US1 10

invention teaches that the detecting entity recognizes that the change in communication quality is evidence of a change in the network topography and then acts to locate the new radio station.

The Examiner has additionally cited the Stillman patent in rejecting the pending claims. The Stillman patent teaches a network link controller at each node wherein the network link controller allows flexible designation of any node as the master node. Each link controller device includes a control program which provide instructions to the controller specifying changes to the transmit and receive frequencies, etc. (Col. 1, lines 64-67). Stillman expressly teaches that if the system detects excessive noise or interference "the control program may move the base band away from the problematic frequency" (Col. 1, line 67-Col. 2, line 4).

Applicants respectfully assert that both Bark and Stillman expressly teach that when interference is detected, the node or nodes be instructed to move away from the interfering entity or change communications frequencies. Neither reference teaches or suggests that interference, or a change in signal strength, is a function of a topological change in the network. Accordingly, neither reference teaches or suggests that a detecting node perform a search, or increase the frequency of monitoring, to locate a new radio station in the network. Even if one were to modify Bark to include a link controller device at each node, the Bark node with link controller device would still not obviate the JP919990207-US1

11

invention as claimed. Since neither patent teaches the claim features of steps and means for automatic in-session detection of an indication that there has been a change in the topography of the network, automatic characterization of the change, and automatic initiating of a search based on the characterization, Applicants respectfully assert that the Examiner has not made out a *prima facie* case of obviousness.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

A. Mizutani, et al

By: Anne Vachon Dougherty
Anne Vachon Dougherty
Registration No. 30,374
Tel. (914) 962-5910

JP919990207-US1

12